

Date: June 4, 1990

To: All Wisconsin Facilities for the Developmentally Disabled (FDD), and Nursing Homes Which Are Developing an FDD

From: Larry Tainter, Director
Bureau of Quality Assurance

Subject: The Requirements for a Facility Committee(s) and the Committee's Responsibilities Under CFR 483.440(f)(3).

In [BQC memo 90-010](#), dated January 31, 1990, the Bureau of Quality Compliance issued a state-wide waiver to HSS 134.60(6)(c), which required BQC to review and approve certain programs designed to manage inappropriate client behavior. This memo indicated that each facility must now fully meet the requirements under CFR 483.440(f)(3). This reflects a change from the policy stated in BQC memo 89-009, dated March 7, 1989, which dealt with this same topic.

BQC-89-009 indicated that because the Bureau was reviewing the majority of the behavior programs from each facility, the facility's 483.440(f)(3) committee did not need to review, approve, and monitor each program designed to manage inappropriate client behavior. CFR 483.440(f)(4) permits the Bureau to make this determination if an equivalent system exists which provides for client protection and consultation. The equivalent system at that time was our prior review and approval of the use of these programs. In addition, we knew that the committees needed time to develop a manageable system to cope with their workload and to develop the expertise needed to appropriately review these programs. This was intended as a transition system while facilities geared up for handling the reviews. Most of the committees have now developed the needed expertise to meet their responsibilities, and therefore we have announced this change in policy.

Because an equivalent system no longer exists, each facility's committee must now "review, approve, and monitor individual programs designed to manage inappropriate behavior and other programs that, in the opinion of the committee, involve risks to client protection and rights." We are enclosing a copy of the HCFA Regional Program Letter 89-40 which clarifies the type of programs the committee should be reviewing. We are also enclosing a copy of HCFA Regional Program 90-14 which has information which should be of interest to the facility's committee.

The attached memo, "Guidance for the Operation of the Facility Committee," offers suggestions for the committee in the management of their workload. The committee may wish to adopt some, all, or none of these suggestions. The committee can devise other systems to manage their workload. You may also contact Jacki Miller at (608) 266-1718 or Dan Zimmerman at (608) 266-7463 for consultation on this subject.

LT:bc 1221a

cc: -Board on Aging and Long Term Care
-Wisconsin Counties Association
-Wisconsin Association of Nursing Homes
-Wisconsin Association of Homes and Services for the Aging
-Service Employees International
-BQC Staff
-Wisconsin Coalition for Advocacy
-Wisconsin Medical Records Association Consultants Comm.
-George F. MacKenzie
-Commission on Aging, Extended Care Facilities & Home Health Care
-Wisconsin Association of Medical Directors